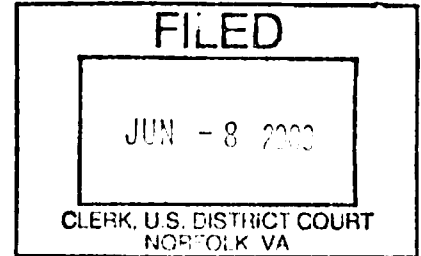


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



ERIC LEHMON HILTON, #12348528,

Petitioner,

v.

ACTION NO. 2:08cv461

GENE M. JOHNSON, Director of the
Virginia Department of Corrections,

Respondent.

FINAL ORDER

This matter was initiated by a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 alleging violation of federal rights pertaining to petitioner's continued imprisonment pursuant to a detainer from the Commonwealth of Virginia. The detainer is related to petitioner's conviction on November 2, 1984, in the Circuit Court of the City of Norfolk, as a result of which he was sentenced to 20 years in the Virginia penal system with 15 years suspended.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report and Recommendation filed April 9, 2009, recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 17, 2009, the Court received Petitioner's Objections to the Report and Recommendation. In the objections, Petitioner requests an attorney. Petitioner further requests that a letter from the Federal

Public Defender's Office in the District of Oregon be admitted as an exhibit. Both of these motions are DENIED.

The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed April 9, 2009. It is, therefore, ORDERED that Respondent's Motion to Dismiss be GRANTED and that the petition be DENIED and DISMISSED. It is further ORDERED that judgment be entered in favor of Respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within 30 days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.



Mark S. Davis
United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
May ~~_____~~, 2009
June 6, 2009